



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88618

Philippe BOUTIN, et al.

Appln. No.: 10/538,922

Group Art Unit: 1615

Confirmation No.: 5674

Examiner: Not Yet Assigned

Filed: June 13, 2005

For: METHOD OF DIAGNOSIS OF OBESITY

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in regard to the Notification of Defection Response, dated July 20, 2006, issued in the above-referenced patent application.

In the Notification, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because the contents of the computer readable form copy of the Sequence Listing does not comply with the requirements of 37 C.F.R. §1.822 and/or 37 C.F.R. §1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

Applicants note that a copy of the marked-up "Raw Sequence Listing" was not included by the Patent Office with the Notification, nor was a copy included in the electronic file wrapper. As such, Applicants could not determine whether there were any errors in the Sequence Listing.

Nevertheless, Applicants have prepared a substitute Sequence Listing, in paper and electronic formats, being filed herewith.

Applicants assert that this Response to the Notice to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Applicants respectfully request that the Examiner acknowledge that the substitute Sequence Listing meets the requirements of 37 C.F.R. §§1.821-1.825 and that the Examiner enter the substitute Sequence Listing.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 17, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

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100 - NOXI

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,922	Philippe Boutin	Q88618

23373
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

DOCKETED

JUL 24 2006

INTERNATIONAL APPLICATION NO.	
PCT/IB03/05282	
I.A. FILING DATE	PRIORITY DATE
10/31/2003	12/13/2002

CONFIRMATION NO. 5674

371 FORMALITIES LETTER



OC000000019671737

Date Mailed: 07/20/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 06/13/2005
- Copy of the International Search Report filed on 06/13/2005
- Biochemical Sequence Diskette filed on 06/07/2006
- Oath or Declaration filed on 06/07/2006
- Biochemical Sequence Listing filed on 06/07/2006
- Request for Immediate Examination filed on 06/07/2006
- U.S. Basic National Fees filed on 06/13/2005
- Priority Documents filed on 06/13/2005

Applicant's response filed 06/07/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/07/2005 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

2/20

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required

application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

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10/538,922	PCT/IB03/05282	Q88618